

ELEVENTH DAY

(Thursday, January 24, 1963)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Moore

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Owen.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 24, 1963.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 10, Congratulating the President of Mexico on the project, "National Frontier Program."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Message from Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,
January 24, 1963.

To the Senate of the Fifty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Branch Pilot for the Galveston Bar and the Houston Ship Channel, for a two-year term to expire January 24, 1965: Charles W. Barfield of Houston, Harris County.

Respectfully submitted,

JOHN CONNALLY,
Governor of Texas

Presentation of Guests

Senator Parkhouse by unanimous consent presented the students of the Secretary's Workshop of Texas Education Agency-Vocational Rehabilitation Division and the Director, Mr. C. G. Fairchild, to the Members of the Senate.

Senator Owen by unanimous consent presented Mrs. Hubert Hudson, former Parliamentarian of the Senate and the wife of former Senator Hudson to the Members of the Senate.

House Concurrent Resolution 10 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 10, Extending congratulations and best wishes to the President of the Republic of Mexico, His Excellency Lic. Don Adolfo Lopez Mateos.

The resolution was read and was adopted.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
January 24, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State

Affairs, to whom was referred S. B. No. 3, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
January 24, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 12, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
January 24, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 86, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Hazlewood submitted the following report:

Austin, Texas,
January 23, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred H. B. No. 150, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Senator Reagan submitted the following reports:

Austin, Texas,
January 24, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 121, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REAGAN, Chairman.

Austin, Texas,
January 24, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 110, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REAGAN, Chairman.

Austin, Texas,
January 24, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 63, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REAGAN, Chairman.

Austin, Texas,
January 24, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 20, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REAGAN, Chairman.

Austin, Texas,
January 24, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 19, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REAGAN, Chairman.

House Bill 150 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent H. B. No. 150 was ordered not printed.

Senate Bills and Resolution on First Reading

The following bills and resolution

were introduced, read first time, and referred to the committees indicated:

By Senator Parkhouse:

S. B. No. 142, A bill to be entitled "An Act authorizing cities of 600,000 or more population according to the last preceding or any future federal census, to create a metropolitan transit authority, which shall have the power and authority to acquire, own, establish and operate transit facilities; providing a short title for the act; defining certain terms; prescribing the manner of creation of such authority; defining the powers and duties of such authority and providing for the exercise of such powers; providing that such authority shall have no power of taxation but exempting its property from taxation; providing for a savings clause; and declaring an emergency."

To the Committee on Counties, Cities and towns.

By Senator Herring:

S. B. No. 143, A bill to be entitled "An Act relating to arbitrations pursuant to written agreements of the parties, expressly excluding all arbitrations relating to any labor union contract and all affecting controversies between any employer and any employee of the employer or their respective representatives; being an Act which repeals Articles 224 through 238 of the Revised Civil Statutes of Texas of 1925, which deal with 'Arbitration in General,' subject to a savings clause; and providing that the effective date of the repeal shall be January 1, 1964; and enacting a new statute to be known as the 'Texas General Arbitration Act' replacing said repealed Articles, the new statute to become effective January 1, 1964, and to provide: that written agreements to arbitrate all controversies shall be valid except, however, that this Act is inapplicable to labor union contracts and controversies between any employer and any employee or their respective representatives (this Act not applying to any labor union contracts or any agreements for arbitration between any employer and any employee of that employer or their respective representatives or any controversy thereunder); providing for proceedings to compel or stay arbitrations; defining in what circumstances any arbitrator may be named by a court; providing for majority action by ar-

bitrators; providing for hearings before arbitrators and notices thereof; providing for the representation of parties by attorneys; providing for the testimony of witnesses at hearings before arbitrators and for subpoenas and depositions; providing for awards by arbitrators; providing for charges of awards by arbitrators; providing for fees and expenses of arbitrations as awarded by arbitrators; defining the term 'court' as used in this Act; defining courts with jurisdiction in arbitration proceedings; providing for applications to courts and the effect of filing the initial application; providing as to the venue of court proceedings on applications to courts and as to stay of proceedings in another court pursuant to a later application; providing as to what a court may require that an application contain; providing as to where applications to courts may be filed in advance of or pending or at the end of or after the conclusion of arbitration proceedings; providing for acquisition of jurisdiction over adverse parties by service of process or in rem by ancillary proceedings; providing for court relief in aid of pending or prospective arbitration proceedings or the enforcement of court orders or decrees or satisfaction of court judgments thereon; providing for court hearings on applications; providing for the confirmation of an award, the vacating of an award, and the modification or correction of an award and defining grounds upon which a court may vacate, modify or correct an award; providing for a judgment or decree upon an award and as to the enforcement thereof; providing for appeals from orders, judgments or decrees of the court and defining what may be appealed from; providing that the Act shall apply only to agreements made subsequent to the effective date of the Act; providing for uniformity of interpretation of provisions of the Act; providing for severability; providing the title of the Act and the effect of the captions of each article and section and defining the term 'this Act' as used in the Act; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Schwartz:

S. B. No. 144, A bill to be entitled "An Act relating to Brazoria County Water Control and Improvement Dis-

trict-Brushy Meadows; providing for the repeal of Chapter 52, Acts of the Fifty-seventh Legislature, Third Called Session, 1962, creating said water control and improvement district; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Schwartz:

S. B. No. 145, A bill to be entitled "An Act relating to Brazoria County Water Control and Improvement District-Lake Alaska; providing for the repeal of Chapter 46, Acts of the 57th Legislature, Third Called Session, 1962, creating said water control and improvement district; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Schwartz:

S. B. No. 146, A bill to be entitled "An Act to amend Section 2, Chapter 239, Acts of the Fifty-fifth Legislature, Regular Session, 1957, codified, as Article 4032b-1, Vernon's Annotated Revised Civil Statutes; to provide exceptions to the requirement of a fishing license of persons who fish; repealing all laws in conflict; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Schwartz:

S. B. No. 147, A bill to be entitled "An Act amending Chapter 9, Art. 9.14, of House Bill No. 11, as passed by the 56th Legislature, Third Called Session, to provide for refund of motor fuel taxes paid by a transit company on motor fuel used or consumed or to be used or consumed, except the one-fourth ($\frac{1}{4}$) of the taxes which is allocated to the Available School Fund, by the Constitution of the State of Texas; and amending Article 10.03, subsection (2) of Chapter 10 of House Bill No. 11, as passed by the 56th Legislature, Third Called Session, to provide for refund of special fuel taxes paid by transit company on special fuel used or consumed, or to be used or consumed, except the one-fourth ($\frac{1}{4}$) of the taxes which is allocated to the Available School Fund by the Constitution of the State of Texas; and declaring an emergency."

To the Committee on State Affairs.

By Senator Spears:

S. B. No. 148, A bill to be entitled

"An Act amending Article 2094 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the 55th Legislature, Reg. Session, 1957, Chap. 147, Page 327, Section 1, relating to the selection of jurors for service in the District and County Courts in each county having a population of at least forty-six thousand (46,000) or having therein a city containing a population of at least twenty thousand (20,000) as shown by the last preceding Federal Census, and in each county having two (2) or more District Courts holding sessions therein regardless of population providing that the provisions of the Act shall not apply to any County having a population of less than twenty thousand (20,000) inhabitants according to the last Federal Census, when such county is a part of two (2) or more Judicial Districts which Judicial Districts embrace more than two (2) counties; providing that the jury wheel in each such county shall be filled every four years unless ordered filled sooner by the District Judges of such counties; repealing all laws in conflict herewith; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Kennard, Blanchard and Reagan:

S. B. No. 149, A bill to be entitled "An Act relating to Real Estate Brokers and Salesmen; amending the Real Estate License Act, House Bill No. 17, Acts of the Forty-sixth Legislature, 1939, as amended (Codified as Article 6573a, Vernon's Texas Civil Statutes); amending the Penal Code of the State of Texas by adding thereto a provision making it unlawful for any person to violate the provisions of the Texas Real Estate License Act or any order, permit, decision, demand or requirement of the Texas Real Estate Commission authorized by the Real Estate License Act, and providing penalty for such violation; providing a repealing clause; providing for a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Richter:

S. B. No. 150, A bill to be entitled "An Act amending Article 5949 of the Revised Civil Statutes of Texas, 1925, as amended, extending the jurisdiction of Notaries Public; providing

that this Act shall be anticipatory; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 151, A bill to be entitled "An Act to transfer to the Board for Texas State Hospitals and Special Schools all lands, funds and property belonging to or purchased for the Texas Blind, Deaf and Orphan School; providing that the Board for Texas State Hospitals and Special Schools shall have exclusive jurisdiction and control over the Texas Blind, Deaf and Orphan School; prescribing certain duties of the Executive Director and Administrator of Special Schools; providing for jurisdiction over all physical assets providing that all appropriations, grants, and gifts made for the benefit of the Texas Blind, Deaf and Orphan School shall be administered and expended by the Board for Texas State Hospitals and Special Schools, and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Herring:

S. B. No. 152, A bill to be entitled "An Act creating the Travis State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying scholastics; and declaring an emergency."

To the Committee on Education.

By Senator Herring:

S. B. No. 153, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to determine the amount of land excess to the needs of the operation of the Austin State School Annex; to sell and convey same; and declaring an emergency."

To the Committee on State Affairs.

By Senator Bates:

S. B. No. 154, A bill to be entitled "An Act to amend Acts 1951, 52nd Legislature, Chapter 472, Page 832 (also known as 1524a-1, V.A.C.S.), by adding thereto two (2) new Subsections to be numbered (k) and (l), respectively, to Section 1, such new Subsections defining interest and providing maximum rates; providing that all installment certificates hypothecated to secure a loan shall yield not less than one and one-half percent (1½%) interest per annum; repealing

all laws or parts of laws that conflict with this Act; providing for severability clause; and declaring an emergency."

To the Committee on Banking.

By Senators Cole and Herring:

S. B. No. 155, A bill to be entitled "An Act authorizing and directing the Board of Regents of The University of Texas to establish a graduate school of biomedical sciences in Houston, Harris County, Texas, to be known as The University of Texas Graduate School of Biomedical Sciences, and to be operated as a component unit of The University of Texas system; providing for a dean to be responsible to the Board of Regents through the Chancellor; authorizing said Board of Regents to conduct graduate and post-doctoral programs at the master's and doctoral levels in the sciences and related academic areas pertinent to medical education and research; providing for the awarding of degrees; authorizing the Board of Regents to make rules and regulations for the operation, control, and management of the new graduate school; authorizing the Board to accept and administer grants and gifts in aid of the establishment and administration of the school; authorizing the Board to expend appropriated funds and gift, grant, and contract funds at the school's own facilities or in facilities of other component units of The University of Texas in Houston; authorizing joint appointments; requiring affiliation with the science programs at the Main University in Austin and with other medical units of The University of Texas, and cooperation with other institutions; suspending the operation of the University of Texas Postgraduate School of Medicine and authorizing establishment of a division of continuing education as a part of the Graduate School of Biomedical Sciences; making available to the Graduate School of Biomedical Sciences appropriations to, and contracts entered into on behalf of, The University of Texas Postgraduate School of Medicine; and declaring an emergency."

To the Committee on Finance.

By Senators Rogers and Hazlewood:

S. B. No. 156, A bill to be entitled "An Act relating to a change in the name of West Texas State College at Canyon, Texas; amending Section 1 of Chapter 223, Acts of the 51st Legis-

lature, 1949, so as to change the name of West Texas State College to 'West Texas State University'; ratifying and confirming in behalf of 'West Texas State University' all legislative Acts and appropriations heretofore passed in behalf of West Texas State College, West Texas State Teachers College, or West Texas State University; and declaring an emergency."

To the Committee on State Affairs.

By Senators Reagan, Krueger, Kennard, Bates, Strong, Richter, Blanchard, Spears, Herring, Patman, Word and Kazen:

S. B. No. 157, A bill to be entitled "An Act relating to the industrial development of Texas; creating the Office of Economic Development; providing for a Director of Economic Development; providing duties and powers of the Office of Economic Development; creating a Development Advisory Council; providing duties of the Development Advisory Council; repealing Chapter 10 of Title 83, Revised Civil Statutes of Texas, 1925, as amended; repealing Chapter 193, Acts of the 56th Legislature, Regular Session, 1959; providing severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Spears:

S. J. R. No. 20, Proposing an amendment to Article VIII of the Constitution of the State of Texas by adding a new section to be known as Section 21, which grants local taxing units the option to exempt improvements and personal property from taxation in whole or in part in order to strengthen local government, conserve agricultural resources, eliminate slums and rebuild our cities, promote better and less costly buildings, encourage home ownership, attract industry and trade in Texas, and encourage better use of our land."

To the Committee on Constitutional Amendments.

House Bill 150 on Second Reading

Senator Hazlewood moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 150 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Moore

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 150, An Act making supplemental appropriations to the Governor and the Attorney General; repealing any laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 150 on Third Reading

Senator Hazlewood moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 150 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Parkhouse
Cole	Patman
Colson	Owen
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Moore

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 7, Expressing sincere congratulations and the appreciation of the Legislature to Texas Tech Marching Band.

Executive Session

Senator Herring asked unanimous consent for the Senate to go into Executive Session at 11:34 o'clock a.m. today.

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be a member of the Board of Pardons and Paroles: Pat Bullock of Colorado City, Mitchell County.

To be a member of the Good Neighbor Commission of Texas: J. Manley Head of Austin, Travis County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:58 o'clock a.m. today.

Welcome Resolutions

S. R. No. 53—By Senators Creighton and Moore: Extending welcome to R. B. Butler of Bryan and Jim Richards of Austin.

S. R. No. 57—By Senators Schwartz and Cole: Extending welcome to Marvin Gordans, Ned Seigle, Dick Togle and Mickey Cooper.

Memorial Resolutions

S. R. No. 55—By Senator Watson: Memorial resolution for R. D. Collins.

S. R. No. 56—By Senator Watson: Memorial resolution for L. M. (Mike) Crow.

Adjournment

On motion of Senator Ratliff the Senate at 11:59 o'clock a.m. adjourned until 11:00 o'clock a.m. on Monday, January 28, 1963.

Record of Vote

Senator Patman asked to be recorded as voting "Nay" on the motion to adjourn.

In Memory of
Mr. W. E. Douglas

Senator Blanchard offered the following resolution:

(Senate Resolution 54)

Whereas, In the passing of W. E. Douglas, 101, the people of Texas and Lubbock County suffered the loss of a beloved elder citizen; and

Whereas, Mr. Douglas was born March 3, 1861, in Johnson County, Missouri, and first moved to Texas in 1880, settling in Young County. He returned to Missouri in 1885 to marry the late Mrs. Douglas at Webb City; and

Whereas, He came back to Texas and homesteaded land near Seymour, and later moved to Young County in 1888. He moved to San Angelo in 1907 and lived there 35 years before coming to Lubbock in 1942 to retire; and

Whereas, Mr. Douglas was a cattlebuyer at San Angelo and also maintained farming interests. He has retained a life-long interest in politics, and it was often said "Douglas represents the old breed of the West." He preferred to travel by horse rather than by automobile as long as possible; and

Whereas, Mr. Douglas is survived by two daughters; a son, Roscoe, Lubbock; six grandchildren, including Dr. R. C. Douglas of Lubbock; a number of great-grandchildren and one great-great-grandchild; and

Whereas, It is the desire of the Senate of the 58th Legislature of the State of Texas to pay tribute to the memory of this great man; now, therefore, be it

Resolved, That when the Senate adjourns today, it do so in his memory and that a page in the permanent Journal of the Senate be set aside as a memorial to him, and be it further resolved, that copies of this Resolution be sent to the son and daughters of Mr. Douglas.

The resolution was read and was adopted by a rising vote of the Senate.